

1 John H. Stephens (SBN 82971)  
2 Stacy H. Rubin (SBN 228347)  
3 MULVANEY BARRY BEATTY LINN & MAYERS LLP  
4 401 West A Street, 17th Floor  
5 San Diego, CA 92101-7994  
6 Telephone: 619-238-1010  
7 Facsimile: 619-238-1981

8 Attorneys for Defendants  
9 Barry Minkow; Fraud Discovery Institute,  
10 Inc.; William Lobdell; and iBusiness  
11 Reporting

12 UNITED STATES DISTRICT COURT  
13  
14 SOUTHERN DISTRICT OF CALIFORNIA

15 MEDIFAST, INC., a Delaware  
16 Corporation and BRADLEY  
17 MacDONALD, an individual,

18 Plaintiff,

19 v.

20 BARRY MINKOW, an individual;  
21 FRAUD DISCOVERY INSTITUTE,  
22 INC., a California corporation;  
23 ROBERT L. FITZPATRICK, an  
24 individual; TRACY COENEN, an  
25 individual; SEQUENCE, INC., a  
26 Wisconsin service corporation;  
27 WILLIAM LOBDELL, an  
28 individual; iBUSINESS  
REPORTING, a California business  
organization of unknown form; and  
'ZEEYOURSELF', an individual,

Defendants.

CASE NO. 3:10-cv-00382-CAB (MDD)

**MOTION BY BARRY MINKOW TO  
REQUEST TELEPHONIC  
APPEARANCE AT MANDATORY  
SETTLEMENT CONFERENCE**

DATE: October 28, 2014  
TIME: 9:15 a.m.  
DEPT. Suite 1180 (Annex)

Judge: Hon. Cathy Ann Bencivengo  
Magistrate: Hon. Mitchell D. Dembin  
Complaint Filed: February 17, 2010  
Trial Date: None Set

1 Defendant BARRY MINKOW ("Minkow") hereby moves the Court for  
2 permission to participate in the Mandatory Settlement Conference ("Settlement  
3 Conference") by telephone.

4 On October 6, 2014, the Court scheduled the Settlement Conference for  
5 October 28, 2014 at 9:15 a.m., in the above-captioned Court.

6 Minkow is in Federal prison in Lexington, Kentucky and cannot travel to  
7 attend the Settlement Conference. As set out in the accompanying declaration of  
8 John H. Stephens, in light of Minkow's inability to travel to California, subject to  
9 the Court's approval, Minkow requests that the personal appearance requirement  
10 be waived as to Minkow and that he be allowed to appear at the October 28, 2014  
11 Settlement Conference by telephone. Minkow's counsel will appear at the  
12 Settlement Conference in person and has authority to negotiate settlement on  
13 Minkow's behalf.

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16  
17 Dated: October 16, 2014

MULVANEY BARRY BEATTY  
LINN & MAYERS LLP

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20  
21 By: s/John H. Stephens  
22 John H. Stephens  
23 Stacy H. Rubin  
24 Attorneys for Defendants  
25 Barry Minkow; Fraud Discovery  
26 Institute, Inc.; William Lobdell; and  
27 iBusiness Reporting  
28 Email: jstephens@mulvaneybarry.com

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